REMARKS

Claims 1-18 are currently pending in this application. By the office action of January 31, 2006, claims 1-18 were rejected under 35 USC § 103(a) as being unpatentable over Beser US Patent 6,049,826 in view of Takagi US Patent 6,643,695. The Applicant respectfully traverses these rejections. Reconsideration is requested.

Drawings

The Examiner has again required submission of new corrected drawings, using the same language as appeared in the office action of January 13, 2005. New formal drawings were submitted with the response to that office action filed on April 12, 2005. In the final office action of August 11, 2005, the Examiner indicated that new drawings were filed on April 18, 2005 and that those drawings were acceptable.

These facts were reported to the Examiner by a telephone message left on February 8, 2006 with a request for clarification by the Examiner. No response was received from the Examiner.

Claim Rejections – 35 USC 103

With reference to claim 1, the Examiner asserts that Beser discloses the invention substantially as claimed and in particular, that Beser teaches a method for initializing a customer premises telecommunications hub having a link to a central office (Fig. 1) comprising:

obtaining a configuration file name and domain name of a TFTP file server from a DHCP server in a central office (Fig. 19: steps 336-344; col. 20, lines 32-67; col. 28, lines 8-67; col. 29, lines 1-34),

obtaining a configuration file, including a first control software file name, from the TFTP file server, and a model ID identifying the model of the Hub (Fig. 19: steps 336-344; col. 20, lines 32-67; col. 28, lines 8-67; col. 29, lines 1-34).

Beser relates to cable systems and in particular a method for initializing a cable modem. Claim 1 relates to a customer premises telecommunications hub having a link to a central office. Beser does not mention or discuss in any way a central office. The term "central office" is a term of art known to those skilled in the telecommunications art as a specific class of telephone company office and is defined and used in the present specification according to the known term of art. Beser therefore fails to teach a system with a link to a central office and fails to teach a DHCP server in a central office.

The Examiner notes that Beser fails to disclose creating a second control software file name by combining a model ID identifying the model of the hub with at least part of the first control software file name.

The examiner asserts that Takagi is in the same field of endeavor.

The Applicant submits that Takagi is clearly not in the same field of endeavor. The only relationship between Takagi and the present invention is that both disclose systems that include digital CPUs. The present invention uses a digital CPU to provide functional modules for a telecommunications system at a customer premises. Takagi uses a digital CPU to monitor operation of a plurality of other CPUs and to provide a 3D display of the physical locations in a building of the monitored CPUs so that when a failure occurs, the computer technician can physically locate the failed CPU and repair it. There is nothing in Takagi that would suggest to one skilled in the art that it has teachings relevant to

Initialization of a customer premises telecommunications hub. There is no teaching in Takagi that is relevant to any limitation of the pending claims alone or in combination with Beser.

The Examiner asserts that several cited sections of Takagi teach a second control software file name.

Claim 1 includes "creating a second control software file name by combining a model ID identifying the model of the hub with at least part of the first control software file name." Takagi does not teach or discuss a configuration file or a configuration file containing a control software file name. Takagi does not teach or discuss a first or a second control software file name. Takagi cannot teach or discuss creating a second control software file name based on a first control software file name received as part of a configuration file.

In support of the assertion that Takagi teaches a second control software file name, the Examiner copied the following language from Takagi and indicated that it was from column 9, lines 45-49. (This language is actually from column 5, lines 56-62.)

> "The height field 34 of each MI record contains a specific height of 3D model data of a corresponding one of the fixtures and the computers 2-1 through 2-3. The model data field 35 of each MI record contains the identification (or a file name) of a 3D model data file which defines 3D model data of a corresponding one of the fixtures and the computers 2-1 through 2-3."

The Examiner also cited the following language from Takagi column 11, lines 27-34.

"Then, the model data of the target maintenance object is read from the model data file of the storage device 5, the file name of which is contained in the model data field 35 of the corresponding MI record in the model information table 13. The coordinates of the model data of the target maintenance object are calculated by the CPU 6 based on the data obtained in the above-mentioned manner."

The first quotation cited by the Examiner is a portion of the description of the Model Information (MI) table 13 of Fig. 5. It discusses a file name in the Model Data column 35. The file name is of a DATA file that provides DATA concerning a particular computer model. The file name is not a Control Software file name, instead it is DATA. It is not part of a configuration file. The name of the file is not changed. The MI table is simply a set of data stored in memory for use in maintenance monitoring and locating the computers that are being monitored. It has nothing to do with a configuration file, with control software or with initializing a telecommunications hub in a customer premises.

The second quotation cited by the Examiner is a portion of the description of how a walk through path is determined after a problem or malfunction of one of the computers is reported by the maintenance management system. Beginning at col. 11, line 13, the coordinates of the target maintenance object, i.e. the malfunctioning computer, are read from the MA records. The correct MA record is found by matching the IP address of the problem computer. The model number from the MA record is used to find the

corresponding MI record in table 13, Fig. 5, and the height of the corresponding fixture, e.g. desk or table, is read from the MI table. The language quoted by the Examiner then states that the same MI record includes the name of a model data file for the malfunctioning computer and the file name is used to read the model data for the malfunctioning computer. As the last sentence states, all the data read is then used to calculate the coordinates of the malfunctioning computer to provide directions to the maintenance person who needs to go to the computer and fix it.

The language cited by the Examiner does not teach or suggest that an operating software file name should be changed. Instead, it merely describes a normal method of looking up related data in a table.

The Examiner has asserted that it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Takagi's teachings of a second control software file name with the teachings of Beser, for the purpose of improving the ability of a network "...to execute a control processing which monitors and manages a plurality of maintenance objects interconnected by a network..." as stated by Takagi at col. 1, lines 12-17.

As discussed above, Claim 1 includes changing the name of a control software file name that has been downloaded as part of a configuration file from a DHCP server in a central office. Takagi has no teachings or suggestions relating to control software file names, much less concerning changing a control software file name that has been downloaded in a configuration file. Takagi does not discuss configuration files.

The alleged purpose of the proposed combination of Beser and Takagi has nothing to do with the present invention. The present invention relates to initializing a

telecommunications hub In a customer premises. More particularly, it has to do with being sure a proper control software file is obtained for initialization and teaches changing a file name obtained in a configuration file to be sure the file to be downloaded matches the model, etc. of the particular telecommunications hub. The present invention has nothing to do with "control processing which monitors and manages a plurality of maintenance objects interconnected by a network". There would be no motivation for one skilled in the art to even consider using teachings from a reference dealing with monitoring and managing a plurality of maintenance objects interconnected by a network when inventing a system and method for initializing a telecommunications hub in a customer premises. None of the teachings of Takagi are of any use in the present invention.

In view of the substantial differences between the claim 1 and the cited references, the Applicant submits that claim 1 is clearly patentable over the cited references. Since claims 2-9 depend from claim 1, Applicant submits that these claims are also patentable over the cited references.

Claim 10 was rejected on essentially the same basis as claim 1. The above remarks make it clear that no combination of the cited references could teach or suggest the steps of claim 10. Applicant submits that claim 10 is clearly patentable over the cited references. Since claims 11-18 depend from claim 10, these claims are also clearly patentable over the cited references.

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Patent

CONCLUSION

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 21-0765, Sprint.

Applicant respectfully submits that the present application as amended is in condition for allowance. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2288.

Respectfully submitted,
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